



**Delaware Thoroughbred Racing Commission
Minutes of Regular Meeting Held On
March 7, 2012**

The Delaware Thoroughbred Racing Commission held a regular meeting on Wednesday, March 7, 2012, at 10:15 a.m., in the second floor conference room of the Horsemen's Office, located on the grounds of Delaware Park, 777 Delaware Park Boulevard, Wilmington, Delaware 19804.

The following Commission members were present:

Bernard J. Daney, Chairman
W. Duncan Patterson, Jr., Secretary/Commissioner
Henry James Decker, Commissioner
Debbie Killeen, Commissioner
Edward J. Stegemeier, Commissioner

The following individuals also were present:

Ed Kee, Delaware Secretary of Agriculture
Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
John F. Wayne, DTRC, Executive Director
Frederick Burkhardt, DTRC, Associate Steward
Robert E. Colton, Delaware Jockey's Association, Director
John E. Mooney, Delaware Park, Executive Director of Racing
Tracy Nunley, Owner/Trainer, DTHA Board Member
Shelley Perkins, DTRC, Paralegal I (recording minutes)
John T. Peters, D.V.M., DTRC, Chief Veterinarian
Kathleen Picciano, D.V.M., DTRC, Associate Veterinarian
Ramon L. Rodriguez, DTRC, Inspector
Andy Singleton, Delaware Park, Security Manager
Francis J. Swift, Jr., DTRC, Inspector
Paul Trapani, Owner/Trainer, DTHA Board Member
Jane Teichner, V.M.D, DTRC, Associate Veterinarian
Michael Vild, Esq., Delaware Park, Sr. Vice President of Racing/General Counsel

1. **WELCOME & CALL TO ORDER**

At 10:15 a.m., Chairman Daney called the meeting to order and welcomed those in attendance.

Chairman Daney asked that all cell phones and pagers be silenced and reminded those in attendance that all meetings are recorded and an audio recorder was in use.

2. **APPROVAL OF MINUTES**

Upon a motion duly made (Killeen) and seconded (Decker) minutes of February 8, 2012, were approved as submitted.

3. **OLD BUSINESS**

A. **2.5% Allocation Discussion – Delaware Racing Association's Capital Budget**

Chairman Stegemeier asked Mr. Vild, Delaware Park's senior vice president of racing and general counsel, how much money is allocated for capital improvements – the Commission is aware that 2.5% is allocated – but specifically, what is the dollar amount 2.5% represents?

Mr. Vild will review the figures and report what the dollar amount is equal to that represents 2.5%.

Mr. Vild reported that the 2.5% obligation is to spend 2.5% of slot commissions toward race related capital improvements. As of the beginning of this year, Delaware Park has spent \$6 million over the 2.5% obligation. In 2011 Delaware Park budgeted \$1.6 million in capital expenditures. This year (2012) Delaware Park budgeted \$490,000 and foresees utilizing all of that money, especially considering a couple major items – i.e. the track surface.

The Commission requested, and Mr. Vild agreed to provide the Commission with an itemized report on the year-to-year expenditures.

B. **Agreement between the DTHA and Delaware Racing Association**

Mr. Vild reported that with the help of Secretary of Agriculture, Ed Kee, an agreement with the DTHA had been reached and a 1-year contract was being readied. Discussions on a 2013 agreement will begin earlier this year, beginning around May or June, 2012.

Discussion included the following points.

- Secretary Kee – There will be 100 days of live racing.
- Commissioner Decker – But we can legally alter that.
- Secretary Kee – You can go to Legislative Hall and do anything you want. But let's be clear – you approved 100 days and the horsemen and race track have reached an agreement based on those 100 days.
- Commissioner Decker – We've asked for the attorney general's opinion and when that opinion comes back I presume that topic will come up again.
- Secretary Kee – Agreed but I'm just telling you that what happened on Friday is a contract was reached based on those 100 days.
- Secretary/Commissioner Patterson – There are too many days and not enough horses. 100 days is not good for anyone and it is very short-sighted, and excuse the remark, stupid of the horsemen to not acquiesce.
- Secretary Kee clarified the situation and stated that this is a 1-year contract. Secretary Kee remarked that Secretary/Commissioner Patterson's point is well made and well taken and there is a level of agreement in some quarters. This is not a 3-year contract as before, this is 1-year contract – one that can and perhaps should be changed legislatively.

4. **NEW BUSINESS**

None offered.

5. **REPORT FROM EXECUTIVE DIRECTOR**

Executive Director Wayne reminded the Commission of the proposed rule change scheduled for final vote at the April 11, 2012 meeting.

A. **Summary of Activities Report**

Executive Director Wayne submitted his report for activities for the period of January 1, 2012 through February 29, 2012.

Total number of persons fingerprinted	0
Total amount of fingerprinting fees collected	0
DTRC licenses issued	968
Amount of fines collected	\$ 100.00
License fees collected	\$14,230.00

Mr. Wayne also reported the following activities during the month of February, 2012

Number of contacts made by other Commissions to the DTRC: 14

Contacts from the Delaware Video Lottery Enforcement Unit: 8

Contacts from Police (Federal, State, Local) Agencies: 4

Legislative Contacts: 6

Media Contacts: 1

Inquiries from the Public: 5

National Racing Compact licenses received: 28

National Racing Compact licenses reviewed due to derogatory information: 12

Number of investigations opened by DTRC: 14

B. **DCTP Farm Verification**

Commissioner Killeen complimented Mr. Wayne on the DCTP farm verification project. It was reported that one farm, Rlington Farms, was found deficient and DTHA president, Ms. Madeline Locke, contacted them and subsequently removed them from the DCTP list.

Secretary/Commissioner Patterson reported that a committee had been formed and tasked with setting farm standards. The Commission (Decker) requested a report from the committee on those standards.

C. **The Jockey Club – National Injury List**

Secretary/Commissioner Patterson asked why Delaware Park was not listed on The Jockey Club's list of racetracks participating in their national injury list project. Mr. Wayne commented that although Delaware Park was one of four "core" (first) racetracks to submit injury/breakdown statistics, they were not listed. Mr. Wayne made inquiries at The Jockey Club and was advised by Mr. Matt F. Iuliano (The Jockey Club executive vice president and executive director) that Delaware Park had not signed and returned its "release form" authorizing The Jockey Club to list Delaware Park's statistics. Following this information from Mr. Iuliano, Mr. Wayne contacted Delaware Park and made them aware that their stats were not being displayed.

Mr. Mooney remarked that he has reservations about some of the classifications within the report. For instance, there is a horse listed as dead that we shipped out healthy and alive that someone else (another track) put on the "dead list."

Mr. Vild reported that Delaware Park continues to submit statistics. The Jockey Club is now asking to disclose individual track data and they have asked for permission to release track names

Dr. Picciano remarked that if a horse ships out (from Delaware Park) to race at another track then comes back injured and subsequently dies (or is put down) that horse does not appear on the Delaware Park report. Whether or not other tracks are reporting that is unknown. Robert Colton asked “do we report the reverse of that,?” which was responded in the affirmative by Dr. Picciano.

The Commission reminded those in attendance that the monthly report submitted by Dr. Peters is public record and recorded in Commission meeting minutes.

****During the week of March 12th, the agreement was signed by Delaware Park to allow the Jockey Club to publish injury statistics.***

D. Fines & Fees

Commissioner Decker reported that he spoke with someone last month at Legislative Hall who agreed to support the Commission’s bill to raise fines.

Secretary Kee reported it unnecessary because the bill has been drafted and has been channeled in the right direction.

6. REPORT FROM CHIEF COMMISSION VETERINARIAN

A. Veterinary Health Statistical Report

No horses are on the grounds – no report required.

Dr. Peters remarked that last year was a rough year for whatever reason and each of us should take responsibility for next year and we should work harder next year to have a better meet.

7. PUBLIC COMMENT

Chairman Daney recognized the following attendees for public comment.

- A. John E. Mooney, Delaware Park, Executive Director of Racing** – Mr. Mooney reported that he has been soliciting stables to come to Delaware. Stable area opens April 1st and horses start training April 2nd. Does not look as promising as last year – economy, trainers have fewer owners, and everyone concerned about what our purse structure will be. Everyone he’s talked to is anxious to get into New York whose purse structure is reportedly to be \$1 million a day. Our purse number is firm but it’s difficult in the spring to know how much money we’ll have in the fall.

Mr. Mooney characterized race track surface work as “major.” Including performing a nuclear density test on the base, installing new drainage under the inner rail of the main stretch, 6,000 tons of new material going on the surface, and raising the silt and clay content to 31%. The track consulting company has recommended a break every 1 ½ hours during the summer to water and treat the surface. The turf course was totally re-done last fall. Categorized under maintenance – not capital.

Upon a motion duly made (Decker) and seconded (Killeen) the Commission was unanimous in wanting a copy of the engineer’s (King) report and requested copies be provided to them.

Secretary/Commissioner Patterson asked Mr. Mooney to comment on whether or not Delaware Park’s purse structure will affect any jockeys decision to ride at Delaware Park. Mr. Mooney replied that it already has; Mr. Joe Rocco, Jr. is going to Monmouth and Ms. Anna Rose "Rosie" Napravnik is going to Arlington; altogether, Mr. Mooney estimates five of our top contenders will not be here.

Commissioner Decker asked Mr. Mooney to comment on the “stable here / race here” strategy.” Mr. Mooney remarked that Mr. Stronach in Maryland made a clear statement that he’s not going to put up with it in Maryland and it’s getting that way pretty much all over because of the horse shortage.

Commissioner Decker asked Mr. Mooney if there was continued discussion about a “circuit.” Mr. Mooney answered that it still comes up occasionally and remarked that Maryland is very anxious to do something.

Mr. Mooney remarked that, unfortunately, the industry doesn’t have an answer to the fatalities. Aqueduct reported record high numbers. Mr. Mooney commented that the horses don’t get a break.

8. REPORT FROM DELAWARE THOROUGHBRED HORSEMEN’S ASSOCIATION

Board member, Ms. Tracy Nunley, reported for Ms. Bessie Gruwell.

A. Agreement between the DTHA and Delaware Racing Association

Ms. Nunley thanked Secretary Kee for helping mediate the contract with Mr. Vild along with DTHA’s attorney. Ms. Nunley agreed that negotiations should start earlier next year. The DTHA board is looking forward to a good meet and continued success with the marketing campaign, including “family fun days.”

B. Delaware Certified Thoroughbred Program

The attached report was filed through March 6, 2012.

The DTHA is going to Legislative Hall to get more money but right now they are lowering bonuses; they were at 20% and 20% and DTHA went over by \$480,000 – 82 farms and over 300 horses in the program.

9. EXECUTIVE SESSION

At 11:08 AM, upon a motion duly made (Decker) and seconded (Killeen) the Commission was moved into executive session to discuss personnel matters.

The Commission requested Ms. Nunley and Mr. Trapani remain for a portion of executive session. They were dismissed at 11:35 AM.

At 12:30 PM, the Commission was returned to public session.

10. ADJOURN

At 12:31 PM, the meeting was adjourned.

The next meeting is scheduled for April 11, 2012, and will include a public hearing on Salix administration rule change.